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May 10, 2021

VIA ECF FILING

Hon. David N. Hurd

United States Northern District Court

Re: Serentity Alpha, et al. v. Michael Maranda, et al.
Case No.: 1:19-cv-00501-TJM-CFH
Our File No.: 8461.002

Dear Judge Hurd,

I write in response to the allegations contained in document number 169. While I recall having privileged settlement discussions with Mr. Williams on May 4, 2021, one day after Plaintiff's one page, one sentence "opposition", I certainly do not recall agreeing to extend Mr. William's time to reply to Defendants' motion to dismiss. It is my practice to confirm all stipulations for extensions in writing. This was not done.

In any event, such a stipulated adjournment would have required court permission per Local Rule 7.1 (j) "Adjournments of Dispositive Motions" which provides:

"All requests for extension of any deadlines must be made at least three business days prior to the expiration of the deadline, absent a showing of cause as to why it could not be made earlier."

No such request was ever made or granted by Your Honor.

In addition, Plaintiff has, yet again, failed to timely comply with Local Rule 9.2 which mandates:

"In any action in which a party asserts a claim under the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 et seq., the party asserting such a claim shall file a RICO statement within thirty (30) days of the filing of the pleading containing such claim."

No such RICO statement has been filed regarding the Seconded Amended complaint subject to the pending motion to dismiss.



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For the foregoing reasons, the Court should stand by its ruling striking Plaintiff's untimely, noncompliant opposition and grant the Defendants' second motion to dismiss.

Respectfully submitted,

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/s/ John F. Harwick, Esq.

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cc: T. Edwards Williams, Esq.
Client